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Response to FOIA 2015-005704

From: Turner, Thomas

Sent: Thursday, February 12, 2015 6:13 AM

To: Jeff Hartness

Cc: Attorney General Lisa Madigan; Bruce Everetts; Ropski, Carol; Allen, Cheryl; Mccarthy, Gina; Governor Bruce Rauner; Jim Newman; Judy Hartness; Zintak, Leonard; Marc Gravino; Johnson, Mark; Michael Chezik; Michelle TeBrugge; Molitor, Pamela; Representative Brian W. Stewart; Karl, Richard; Scott Phillips; Senator Tim Bivins; Hedman, Susan
Subject: RE: US EPA - Region 5 - Tom Turner (C-14J) - Bautsch/Gray Mine - EPA ID # ILN000510407 - Hartness Residence - Elevated Lead Levels in Well Water

Mr. Hartness:

Thank you for your communication.

USEPA is in receipt of your email and attachments of February 12, 2015. I will contact the Superfund On-Scene Coordinator (Mr. Zintak) and the Superfund Remedial Project Manager (Ms. Molitor) and we will go over the most recent sampling information (of November 2014) that you have included. I will reply to you thereafter.

USEPA is committed to protecting human health and the environment under the applicable law. We will continue to take whatever steps are necessary to do so. Please feel free to contact me with any further comments or questions by email or at 312/886-6613. Thanks.

Tom Turner, USEPA, ORC, Region 5 email or 312/886-6613

From: Jeff Hartness [privacy](#)

Sent: Thursday, February 12, 2015 12:02 AM

To: Turner, Thomas

Cc: Attorney General Lisa Madigan; Bruce Everetts; Ropski, Carol; Allen, Cheryl; McCarthy, Gina; Governor Bruce Rauner; Jeff Hartness; Jim Newman; Judy Hartness; Zintak, Leonard; Marc Gravino; Johnson, Mark; Michael Chezik; Michelle

TeBrugge; Molitor, Pamela; Representative Brian W. Stewart; Karl, Richard; Scott Phillips; Senator Tim Bivins; Hedman, Susan

Subject: US EPA - Region 5 - Tom Turner (C-14J) - Bautsch/Gray Mine - EPA ID # ILN000510407 - Hartness Residence - Elevated Lead Levels in Well Water

Dear Mr. Turner:

Attached is my response to your letter dated, November 10, 2014. Please refer to the attachment titled Document 6. For reference purposes, I have included a complete history of our correspondence. If you wish to review our communication in chronological order, then start with Document 1A and continue in order; up to Document 7.

Since the discovery of hazardous substance was detected on my property, it has always been my goal to protect the health of my family from this material. I will continue to do so.

Thank you.

Stephan J. Hartness

By Certified Mail/Return Receipt Requested

Mr. Stephan J. Hartness

C-14J

privacy

Re: October 7, 2012 Letter to United States Environmental Protection Agency (USEPA) and Issue of Adverse Effects of Water Treatment System Installed By Potentially Responsible Parties (PRPs) Under USEPA March 3, 2010 Administrative Settlement Agreement and Order on Consent (#V-W-10-C-945) for Bautsch-Gray Mine Superfund Site (Site)

Dear Mr. Hartness:

USEPA is in receipt of your letter and attachments of October 7, 2012. I have been trying to work with Superfund Division in order to determine the best way to move forward in responding to your issues raised, under the authority of the Superfund statute, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

As I have described to you in our past conversations, based on the authority of CERCLA, USEPA can order actions to protect human health and the environment, including further actions at your residence, upon a determination that the threat still exists. Currently, USEPA is reviewing the findings of the last sampling of water taken at your residence to determine whether the installed water filtration system is maintaining control of lead and any other contaminant. If there is still any threat to human health or the environment, based upon the 2009 and 2010 releases of hazardous substances at the Site from the property owned by the PRPs, USEPA will likely plan to take appropriate enforcement action. I am not allowed to specifically describe what enforcement action will be taken until USEPA has negotiated or issued a public order.

Concerning the matter of the apparently adverse effects of the current water system in place, I can offer limited advice in terms of the above referenced CERCLA Order. The Order was, technically, being complied with by the PRPs for the 2-year time period that most CERCLA removal actions are authorized by Section 104 of the CERCLA statute, 42 U.S.C. Section 9604. However, if you choose to no longer operate the water treatment system installed at your residence for reasons of personal safety or concern for your long-term well being, that would be your own decision. You have not been identified as a Responsible Party under CERCLA by USEPA. USEPA has not ordered you to perform any action. And, USEPA is authorized to enforce CERCLA where an imminent and substantial threat to human health and the environment exists.

Please feel free to contact me with any comments or questions by e-mail ('turner.thomas@epa.gov') or at 312/886-6613. If for some reason you cannot reach me contact

Cheryl Allen, Community Involvement Coordinator (allen.cheryl@epa.gov) her phone number is 312/353-6196. You can also contact Allison Nowotarski, Remedial Project Manager (nowotarski.allison@epa.gov) her phone number is 312/353-0967. Both are available to address any questions or concerns you have.

Also, I am willing to arrange to meet with you in Galena, Illinois at a mutually convenient time, if that would help the situation. Please consider all that I have said in this letter and reply as you determine best serves your needs.

Sincerely,

Thomas Turner
Assoc. Regional Counsel
USEPA, ORC, Region 5

cc: L. Zintak, OSC (SE-5J)
A. Nowotarski, RPM (SR-6J)
C. Allen, CIC (R-7J)